

REBUTTAL EXHIBIT A**PLAINTIFF ADVANCEME'S REPLY CLAIM CONSTRUCTION BRIEF**



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PATENT
Atty. Docket No. JHN-001
(4750/2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Barbra S. Johnson

SERIAL NUMBER: 08/890,398 GROUP NUMBER: 2761

FILING DATE: July 9, 1997 EXAMINER: Unknown

TITLE: AUTOMATED LOAN REPAYMENT

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed therein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on March 3, 1998.

Marianne Wetzonis
Marianne Wetzonis

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references listed on the accompanying PTO Form 1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the listed documents are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
 - the requisite Certification is attached hereto, **OR**
 - the requisite fee under Rule 1.17(p), namely \$240.00, is included herein, or
- (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
 - Applicant hereby Petitions the Commissioner to accept and consider the attached **Information Disclosure Statement**, **AND**
 - the requisite Certification, is attached hereto, **AND**
 - the requisite petition fee due under Rule 1.17(i)(I), namely \$130.00 is included herein.

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

CERTIFICATION

As required under §1.97(e), Applicants, through the undersigned, hereby certify either that [check the appropriate space]:

- 1. [E]ach item of information contained in the **Information Disclosure Statement** was cited in a communication from a foreign patent office in a counterpart foreign application **not more than three months prior to the filing date of the Statement**; or
- 2. [N]o item of information contained in the **Information Disclosure Statement** was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this Certification after

making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Statement.

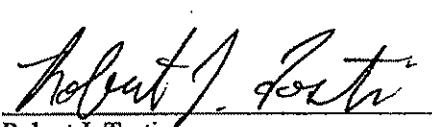
FEE AUTHORIZATION

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

Date: March 3, 1998

Reg. No. 35,393

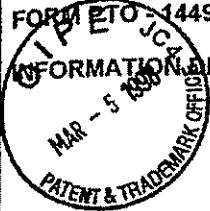
Tel. No. (617) 248-7374
Fax: (617) 248-7100



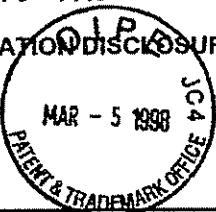
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Boston, Massachusetts 02110

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SHEET 1 OF 2

					ATTY DOCKET NO.: <u>JHN-001(4750/2)</u> APPLICANT: <u>Johnson</u> SERIAL NO.: <u>08/890,398</u> FILING DATE: <u>July 9, 1997</u> GROUP: <u> </u>				
U.S. PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
<i>JN</i>	AA	4,941,090	07/10/90	McCarthy	364	405	01/27/89		
<i>JN</i>	AB	5,117,355	05/26/92	McCarthy	364	405	04/18/90		
<i>JN</i>	AC	5,202,826	04/13/93	McCarthy	364	405	11/26/91		
<i>JN</i>	AD	5,287,268	02/15/94	McCarthy	364	405	11/16/92		
<i>JN</i>	AE	5,383,113	01/17/95	Kight et al.	364	401	07/25/91		
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG Y/N
OTHER ART, JOURNAL ARTICLES, ETC.									
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
<i>JN</i>	C1	"Do You Need A Card Processor?" by Hearst, Catalog Age, Vol. 13, No. 6, pp. 85-86, June 1996.							
<i>JN</i>	C2	"Making The Banks Sweat", by Higgins, Credit Card Management, Vol. 6 No. 1, pp. 46-52, April 1993.							
<i>JN</i>	C3	"Citicorp's Merchant Sale Casts a Shadow Over Bank Acquirers Bankers Refuse to Believe Their Acquiring Businesses Are Doomed", Credit Card News, Vol. 5, No. 5, pp. 1-7, July 15, 1992.							
<i>JN</i>	C4	"USA: Determined Banks Still Dominate Processing of Card Receipts", by Gullo, American Banker, page 17, April 22, 1991.							
<i>JN</i>	C5	"HP Keeps Cards Close to Chest with Acquisition of Verifone", Card News, page 6, April 28, 1997.							
EXAMINER	<i>James N. Myhrer</i>			DATE CONSIDERED		<i>11/3/98</i>			
295RJT4750/2,478808-1									

SHEET 2 OF 2

FORM PTO - 1449 INFORMATION DISCLOSURE STATEMENT 				ATTY DOCKET NO.: JHN-001 (4750/2) APPLICANT: Johnson SERIAL NO.: 08/890,398 FILING DATE: July 9, 1997 GROUP: _____				
U.S. PATENT DOCUMENTS								
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS								
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	ABSTRACT ONLY	ENGLISH LANG Y/N
OTHER ART, JOURNAL ARTICLES, ETC.								
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)							
<i>JW</i>	C6	"Store Card Issuers Sweat in the Reaffirmation Heat", Credit Card News, pp. 1-6, May 1, 1987.						
<i>JW</i>	C7	"The Largest Credit Card and EFT Processors", pp. 411-412.						
<i>JW</i>	C8	"The Top 25 Credit Card Processors", pp. 413-432.						
<i>JW</i>	C9	"Debit Card Directory", Faulkner & Gray (Publ.), New York, NY (1996), Chapter 7, pp. 175-179.						
<i>JW</i>	C10	"Debit Card Directory", Faulkner & Gray (Publ.), New York, NY (1996), Introduction, Chapter 1, Chapter 2, and Chapter 3, pp. 7-46.						
EXAMINER	<i>James W. MYHANE JW</i>			DATE CONSIDERED		<i>11/3/98</i>		

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